

STATE OF CALIFORNIA
OFFICE OF ADMINISTRATIVE LAW

In re:

STATE WATER RESOURCES CONTROL BOARD

REGULATORY ACTION:

Title 23, California Code of Regulations

Adopt sections 3949.2

NOTICE OF APPROVAL OF REGULATORY
ACTION

Government Code Section 11349.3

OAL File No. 06-0705-01 S

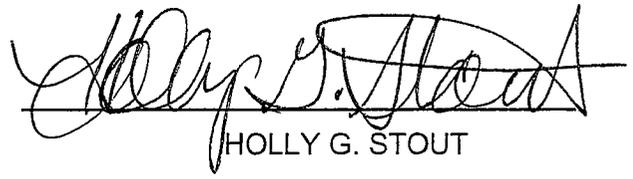
This rulemaking adds section 3949.2 to Title 23 of the California Code of Regulations. It implements a Total Maximum Daily Load which allocates percentages of relative responsibility for excess net oxygen demand ("ENOD") and requires responsible entities to engage in studies of the causes of ENOD. The TMDL is designed to control factors contributing to the dissolved oxygen ("DO") impairment in the Stockton Deep Water Ship Channel ("DWSC"). The responsibility for reducing ENOD is apportioned among the contributing factors: 30 percent to the City of Stockton Regional Wastewater Control Facility; 60 percent to nonpoint sources (discharges from irrigated land and those responsible for the maintenance of the DWSC) and 10 percent from unknown or minor sources. The impairment of the DWSC is caused by three factors: low flow, channel geometry and the level of oxygen demanding substances ("ODS"). The Central Valley Regional Water Quality Control Board will reexamine the allocation in 2009.

This amendment also requires entities responsible for sources of ODS to perform studies by December 2008 which identify and quantify the sources of ODS in the source area, growth or degradation mechanisms of ODS in transit to the DWSC and the impact of ODS on dissolved oxygen concentrations in the DWSC under a range of environmental conditions. The same responsible entities must each submit a study plan to the regional water board within 60 days of the effective date of the amendment describing how ongoing studies and future studies will address these information needs.

Finally, increases in the discharge of ODS into tributaries of the DWSC is prohibited unless regulated by a waiver or waste discharge requirements or National Pollution Discharge Elimination System permits. ODS discharges are prohibited after December 31, 2011 if the net daily flow in the DWSC is less than 3,000 cubic feet per second, unless DO objectives are being met or the discharge is regulated under the circumstances previously mentioned. The amendment also requires the Army Corps of Engineers to submit a technical report by December 31, 2006 which identifies and quantifies the chemical, biological and physical mechanisms by which certain substances in the DWSC are converted to oxygen demand and the impact that the DWSC has on re-aeration and other mechanisms that affect DO concentrations in the water column.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code.

DATE: 08/04/06


HOLLY G. STOUT
Staff Counsel

for: WILLIAM L. GAUSEWITZ
Director

Original : Celeste Cantu, Executive Director
cc : Rik Rasmussen